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2D SESSION

H. R. 3378

IN THE SENATE OF THE UNITED STATES

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Received

AN ACT

To assist in the conservation of marine turtles and the
nesting habitats of marine turtles in foreign countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Marine Turtle Con-
3 servation Act of 2004”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) marine turtle populations have declined to
7 the point that the long-term survival of the logger-
8 head, green, hawksbill, Kemp’s ridley, olive ridley,
9 and leatherback turtle in the wild is in serious jeop-
10 ardy;

11 (2) 6 of the 7 recognized species of marine tur-
12 tles are listed as threatened or endangered species
13 under the Endangered Species Act of 1973 (16
14 U.S.C. 1531 et seq.), and all 7 species have been in-
15 cluded in Appendix I of CITES;

16 (3) because marine turtles are long-lived, late-
17 maturing, and highly migratory, marine turtles are
18 particularly vulnerable to the impacts of human ex-
19 ploitation and habitat loss;

20 (4) illegal international trade seriously threat-
21 ens wild populations of some marine turtle species,
22 particularly the hawksbill turtle;

23 (5) the challenges facing marine turtles are im-
24 mense, and the resources available have not been
25 sufficient to cope with the continued loss of nesting

1 habitats caused by human activities and the con-
2 sequent diminution of marine turtle populations;

3 (6) because marine turtles are flagship species
4 for the ecosystems in which marine turtles are
5 found, sustaining healthy populations of marine tur-
6 tles provides benefits to many other species of wild-
7 life, including many other threatened or endangered
8 species;

9 (7) marine turtles are important components of
10 the ecosystems that they inhabit, and studies of wild
11 populations of marine turtles have provided impor-
12 tant biological insights;

13 (8) changes in marine turtle populations are
14 most reliably indicated by changes in the numbers of
15 nests and nesting females; and

16 (9) the reduction, removal, or other effective
17 addressing of the threats to the long-term viability
18 of populations of marine turtles will require the joint
19 commitment and effort of—

20 (A) countries that have within their bound-
21 aries marine turtle nesting habitats; and

22 (B) persons with expertise in the conserva-
23 tion of marine turtles.

24 (b) PURPOSE.—The purpose of this Act is to assist
25 in the conservation of marine turtles and the nesting habi-

1 tats of marine turtles in foreign countries by supporting
2 and providing financial resources for projects to conserve
3 the nesting habitats, conserve marine turtles in those habi-
4 tats, and address other threats to the survival of marine
5 turtles.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) CITES.—The term “CITES” means the
9 Convention on International Trade in Endangered
10 Species of Wild Fauna and Flora (27 UST 1087;
11 TIAS 8249).

12 (2) CONSERVATION.—The term “conservation”
13 means the use of all methods and procedures nec-
14 essary to protect nesting habitats of marine turtles
15 in foreign countries and of marine turtles in those
16 habitats, including—

17 (A) protection, restoration, and manage-
18 ment of nesting habitats;

19 (B) onsite research and monitoring of
20 nesting populations, nesting habitats, annual
21 reproduction, and species population trends;

22 (C) assistance in the development, imple-
23 mentation, and improvement of national and re-
24 gional management plans for nesting habitat
25 ranges;

1 (D) enforcement and implementation of
2 CITES and laws of foreign countries to—

3 (i) protect and manage nesting popu-
4 lations and nesting habitats; and

5 (ii) prevent illegal trade of marine
6 turtles;

7 (E) training of local law enforcement offi-
8 cials in the interdiction and prevention of—

9 (i) the illegal killing of marine turtles
10 on nesting habitat; and

11 (ii) illegal trade in marine turtles;

12 (F) initiatives to resolve conflicts between
13 humans and marine turtles over habitat used by
14 marine turtles for nesting;

15 (G) community outreach and education;
16 and

17 (H) strengthening of the ability of local
18 communities to implement nesting population
19 and nesting habitat conservation programs.

20 (3) FUND.—The term “Fund” means the Ma-
21 rine Turtle Conservation Fund established by section
22 5.

23 (4) MARINE TURTLE.—

1 (A) IN GENERAL.—The term “marine tur-
 2 tle” means any member of the family
 3 Cheloniidae or Dermochelyidae.

4 (B) INCLUSIONS.—The term “marine tur-
 5 tle” includes—

6 (i) any part, product, egg, or offspring
 7 of a turtle described in subparagraph (A);
 8 and

9 (ii) a carcass of such a turtle.

10 (5) MULTINATIONAL SPECIES CONSERVATION
 11 FUND.—The term “Multinational Species Conserva-
 12 tion Fund” means the fund established under the
 13 heading “multinational species conservation fund” in
 14 title I of the Department of the Interior and Related
 15 Agencies Appropriations Act, 1999 (16 U.S.C.
 16 4246).

17 (6) SECRETARY.—The term “Secretary” means
 18 the Secretary of the Interior.

19 **SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.**

20 (a) IN GENERAL.—Subject to the availability of
 21 funds and in consultation with other Federal officials, the
 22 Secretary shall use amounts in the Fund to provide finan-
 23 cial assistance for projects for the conservation of marine
 24 turtles for which project proposals are approved by the
 25 Secretary in accordance with this section.

1 (b) PROJECT PROPOSALS.—

2 (1) ELIGIBLE APPLICANTS.—A proposal for a
3 project for the conservation of marine turtles may be
4 submitted to the Secretary by—

5 (A) any wildlife management authority of
6 a foreign country that has within its boundaries
7 marine turtle nesting habitat if the activities of
8 the authority directly or indirectly affect marine
9 turtle conservation; or

10 (B) any other person or group with the
11 demonstrated expertise required for the con-
12 servation of marine turtles.

13 (2) REQUIRED ELEMENTS.—A project proposal
14 shall include—

15 (A) a statement of the purposes of the
16 project;

17 (B) the name of the individual with overall
18 responsibility for the project;

19 (C) a description of the qualifications of
20 the individuals that will conduct the project;

21 (D) a description of—

22 (i) methods for project implementa-
23 tion and outcome assessment;

24 (ii) staff and community management
25 for the project; and

1 (iii) the logistics of the project;

2 (E) an estimate of the funds and time re-
3 quired to complete the project;

4 (F) evidence of support for the project by
5 appropriate governmental entities of the coun-
6 tries in which the project will be conducted, if
7 the Secretary determines that such support is
8 required for the success of the project;

9 (G) information regarding the source and
10 amount of matching funding available for the
11 project; and

12 (H) any other information that the Sec-
13 retary considers to be necessary for evaluating
14 the eligibility of the project for funding under
15 this Act.

16 (c) PROJECT REVIEW AND APPROVAL.—

17 (1) IN GENERAL.—The Secretary shall—

18 (A) not later than 30 days after receiving
19 a project proposal, provide a copy of the pro-
20 posal to other Federal officials, as appropriate;
21 and

22 (B) review each project proposal in a time-
23 ly manner to determine whether the proposal
24 meets the criteria specified in subsection (d).

1 (2) CONSULTATION; APPROVAL OR DIS-
2 APPROVAL.—Not later than 180 days after receiving
3 a project proposal, and subject to the availability of
4 funds, the Secretary, after consulting with other
5 Federal officials, as appropriate, shall—

6 (A) consult on the proposal with the gov-
7 ernment of each country in which the project is
8 to be conducted;

9 (B) after taking into consideration any
10 comments resulting from the consultation, ap-
11 prove or disapprove the project proposal; and

12 (C) provide written notification of the ap-
13 proval or disapproval to the person that sub-
14 mitted the project proposal, other Federal offi-
15 cials, and each country described in subpara-
16 graph (A).

17 (d) CRITERIA FOR APPROVAL.—The Secretary may
18 approve a project proposal under this section if the project
19 will help recover and sustain viable populations of marine
20 turtles in the wild by assisting efforts in foreign countries
21 to implement marine turtle conservation programs.

22 (e) PROJECT SUSTAINABILITY.—To the maximum
23 extent practicable, in determining whether to approve
24 project proposals under this section, the Secretary shall
25 give preference to conservation projects that are designed

1 to ensure effective, long-term conservation of marine tur-
2 tles and their nesting habitats.

3 (f) MATCHING FUNDS.—In determining whether to
4 approve project proposals under this section, the Secretary
5 shall give preference to projects for which matching funds
6 are available.

7 (g) PROJECT REPORTING.—

8 (1) IN GENERAL.—Each person that receives
9 assistance under this section for a project shall sub-
10 mit to the Secretary periodic reports (at such inter-
11 vals as the Secretary may require) that include all
12 information that the Secretary, after consultation
13 with other government officials, determines is nec-
14 essary to evaluate the progress and success of the
15 project for the purposes of ensuring positive results,
16 assessing problems, and fostering improvements.

17 (2) AVAILABILITY TO THE PUBLIC.—Reports
18 under paragraph (1), and any other documents re-
19 lating to projects for which financial assistance is
20 provided under this Act, shall be made available to
21 the public.

22 **SEC. 5. MARINE TURTLE CONSERVATION FUND.**

23 (a) ESTABLISHMENT.—There is established in the
24 Multinational Species Conservation Fund a separate ac-

1 count to be known as the “Marine Turtle Conservation
2 Fund”, consisting of—

3 (1) amounts transferred to the Secretary of the
4 Treasury for deposit into the Fund under subsection
5 (e);

6 (2) amounts appropriated to the Fund under
7 section 6; and

8 (3) any interest earned on investment of
9 amounts in the Fund under subsection (c).

10 (b) EXPENDITURES FROM FUND.—

11 (1) IN GENERAL.—Subject to paragraph (2), on
12 request by the Secretary, the Secretary of the Treas-
13 ury shall transfer from the Fund to the Secretary,
14 without further appropriation, such amounts as the
15 Secretary determines are necessary to carry out sec-
16 tion 4.

17 (2) ADMINISTRATIVE EXPENSES.—Of the
18 amounts in the account available for each fiscal
19 year, the Secretary may expend not more than 3
20 percent, or up to \$80,000, whichever is greater, to
21 pay the administrative expenses necessary to carry
22 out this Act.

23 (c) INVESTMENT OF AMOUNTS.—

24 (1) IN GENERAL.—The Secretary of the Treas-
25 ury shall invest such portion of the Fund as is not,

1 in the judgment of the Secretary of the Treasury,
2 required to meet current withdrawals. Investments
3 may be made only in interest-bearing obligations of
4 the United States.

5 (2) ACQUISITION OF OBLIGATIONS.—For the
6 purpose of investments under paragraph (1), obliga-
7 tions may be acquired—

8 (A) on original issue at the issue price; or

9 (B) by purchase of outstanding obligations
10 at the market price.

11 (3) SALE OF OBLIGATIONS.—Any obligation ac-
12 quired by the Fund may be sold by the Secretary of
13 the Treasury at the market price.

14 (4) CREDITS TO FUND.—The interest on, and
15 the proceeds from the sale or redemption of, any ob-
16 ligations held in the Fund shall be credited to and
17 form a part of the Fund.

18 (d) TRANSFERS OF AMOUNTS.—

19 (1) IN GENERAL.—The amounts required to be
20 transferred to the Fund under this section shall be
21 transferred at least monthly from the general fund
22 of the Treasury to the Fund on the basis of esti-
23 mates made by the Secretary of the Treasury.

24 (2) ADJUSTMENTS.—Proper adjustment shall
25 be made in amounts subsequently transferred to the

1 extent prior estimates were in excess of or less than
2 the amounts required to be transferred.

3 (e) ACCEPTANCE AND USE OF DONATIONS.—The
4 Secretary may accept and use donations to provide assist-
5 ance under section 4. Amounts received by the Secretary
6 in the form of donations shall be transferred to the Sec-
7 retary of the Treasury for deposit in the Fund.

8 **SEC. 6. ADVISORY GROUP.**

9 (a) IN GENERAL.—To assist in carrying out this Act,
10 the Secretary may convene an advisory group consisting
11 of individuals representing public and private organiza-
12 tions actively involved in the conservation of marine tur-
13 tles.

14 (b) PUBLIC PARTICIPATION.—

15 (1) MEETINGS.—The Advisory Group shall—

16 (A) ensure that each meeting of the advi-
17 sory group is open to the public; and

18 (B) provide, at each meeting, an oppor-
19 tunity for interested persons to present oral or
20 written statements concerning items on the
21 agenda.

22 (2) NOTICE.—The Secretary shall provide to
23 the public timely notice of each meeting of the advi-
24 sory group.

1 (3) MINUTES.—Minutes of each meeting of the
2 advisory group shall be kept by the Secretary and
3 shall be made available to the public.

4 (c) EXEMPTION FROM FEDERAL ADVISORY COM-
5 MITTEE ACT.—The Federal Advisory Committee Act (5
6 U.S.C. App.) shall not apply to the advisory group.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to the Fund
9 \$5,000,000 for each of fiscal years 2005 through 2009.

10 **SEC. 8. REPORT TO CONGRESS.**

11 Not later than October 1, 2005, the Secretary shall
12 submit to the Congress a report on the results and effec-
13 tiveness of the program carried out under this Act, includ-
14 ing recommendations concerning how this Act might be
15 improved and whether the Fund should be continued in
16 the future.

 Passed the House of Representatives June 14, 2004.

Attest:

JEFF TRANDAHL,

Clerk.